

intermediates would be considered to be within the scope of the listing.

In its preamble interpretation, the Agency stated that processes that produce non-carbamate products which may be used in carbamate production, but have other uses, are not included in the definition of carbamate production. These latter processes would include production of phosgene and methyl isocyanate.

However, EPA also interpreted carbamate production to include manufacture of the non-carbamate intermediates used exclusively in carbamate production regardless of whether the manufacture occurred at the ultimate site of manufacture of the carbamate chemical. EPA specifically cited, as examples of these off-site intermediates—bendiocarb phenol, A-2213 (an intermediate in oxamyl production), and carbofuran phenol. 60 FR 7830.

A number of petitions for review challenging the carbamate listing have been filed in the United States Court of Appeals for the District of Columbia Circuit. These cases have been consolidated under the name, *Dithiocarbamate Task Force v. EPA*, Docket No. 95-1249.

As a result of settlement discussions EPA has reexamined the rulemaking record and determined that it lacks support for the interpretation of "production" as including manufacture of non-carbamate intermediates not produced at the ultimate site of carbamate production. In particular, information submitted by the producers of these non-carbamate intermediates shows that their wastes generated from manufacture of these intermediates do not contain any of the hazardous constituents of concern for which the K-156 and K-157 wastes have been listed. EPA has no other information to indicate that these waste streams contain any of these constituents.

Thus, EPA believes it has interpreted the definition of carbamate production in an overly broad manner to include wastes that should not be subject to the rule. Accordingly, EPA hereby changes its interpretation of carbamate "production" not to include non-carbamate intermediates that are produced at a site other than the ultimate site of carbamate production. Wastes from the production of such intermediates will not be covered by the listing.

## II. Justification for Making the Interpretation Immediately Effective

EPA considers this change to its regulatory interpretation to be an interpretative rule exempt from the

requirement for public notice and opportunity for comment procedures under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), because it informs the public of the Agency's views of how the term, "production," in its own regulations will apply to carbamate waste listings. Also, EPA does not consider that this interpretation is subject to the requirements of the APA (5 U.S.C. 553(d)) or RCRA (section 3010(b); 42 U.S.C. 6930(d)) to delay the effective date of regulations after they are promulgated.

To the extent it may be argued that EPA is required to provide public notice and opportunity to comment or delay in the effective date, the Agency finds that good cause exists not to apply these procedures. If either notice and comment or delayed effective date procedures were applied, the off-site non-carbamate waste streams would become subject to the requirements of RCRA Subtitle as of August 9. The Agency has determined that this would be unfair, since EPA's rulemaking record indicates that the risks from these wastes are not significant and that the record does not support regulating them. Given the likelihood that the risks appear to be insignificant, at least to the extent they are examined in the rulemaking record, the wastes should not be subjected to the extensive requirements of the RCRA waste management regulations.

Dated: August 8, 1995.

**Carol M. Browner,**  
*Administrator.*

[FR Doc. 95-20002 Filed 8-11-95; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 271

[FRL-5276-5]

### Alabama; Final Authorization of Revisions to State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of the "Burning of Hazardous Waste in Boilers and Industrial Furnaces" (BIF) provision and provisions contained in RCRA Cluster III. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Alabama's

applications and has made a decision, subject to public review and comment, that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

**DATES:** Final authorization for Alabama's program revisions shall be effective October 13, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Alabama's program revision applications must be received by the close of business, September 13, 1995.

**ADDRESSES:** Copies of Alabama's program revision applications are available during 8:00 am to 4:30 pm at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W. L. Dickinson Drive, Montgomery, Alabama 36109-2608. (334) 271-7700; U.S. EPA, Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Al Hanke, Chief, State Programs Section, Waste Programs Branch, U.S. EPA Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-2234.

## SUPPLEMENTARY INFORMATION:

### A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most

commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–268 and 124 and 270.

#### B. Alabama

Alabama initially received final authorization for its base RCRA program effective on December 22, 1987. Alabama received authorization for revisions to its program on January 28, 1992, July 12, 1992, December 21, 1992, May 17, 1993, November 23, 1993, April 4, 1994, and January 13, 1995.

On November 12, 1993, and March 27, 1995, Alabama submitted program revision applications for additional program approvals. Today, Alabama is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Alabama's applications and has made an

immediate final decision that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization.

Consequently, EPA intends to grant final authorization for the additional program modifications to Alabama. The public may submit written comments on EPA's immediate final decision up until September 13, 1995.

Copies of Alabama's applications for these program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice. Approval of Alabama's program revisions shall become effective October 13, 1995, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal

of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Alabama is today seeking authority to administer the following Federal requirements promulgated on February 21, 1991, for BIF and July 1, 1992–June 30, 1993, for RCRA Cluster III.

Federal requirement	FR reference	FR promulgation date	State authority
Checklist 85, Burning of Hazardous Waste in Boilers and Industrial Furnaces.	56 FR 7134	2/21/91	335–14–1–.02(1)(2), 12 & 13 335–14–2–.01(2)(d), 2(d),3(4)(b),4(b),7(b),8 335–14–2–.01(6)(a)3.(vii),(viii) 335–14–5–.7(3)(d)1 335–14–5–.15(1)(a) 335–14–6–.07(3)(a)(d)1(d)2 335–14–6–.07(4)(a) 335–14–6–.07(4)(b) 335–14–6–.15(1)(a) 335–14–7–.04(1)(6) 335–14–7–.08(1)–(13) 335–14–7–Appendix I–X 335–14–8–.02(13)(a)1,(a)1.(i),(ii)(a)2.(i),(ii) 335–14–8–.02(a)2(ii)(I)–(V) 335–14–8–.02(a)3,(a)3.(i)–(vii) 335–14–8–.02(13)(a)5,(a)5.(i)–(vii),(a)6,(a)6. (i),(a)6.(i)(I–III),(ii) 335–14–8–.02(13)(b),(b)1–6 335–14–8–.02(13)(c)(d)(e)(f) 335–14–8–.04(3)(g),(g)1,(g)1.(i–v) 335–14–8–.04(3) 335–14–8–.06(5)(a)(b),(b)1,(b)1. (i–ii),(b)2,(b)3. (i–iii),(b)4,(c),(c)1,(c)1.(i–ii),(c)2,(c)2.(i–viii),(c)4–9,(d)1–5,(e),(f),(f)1,(f)2,(f)2.(i–iii),(f)3–8 335–14–8–.07(3)(a)6,(b)7 335–14–8–.07(4)(f)(g) 335–14–2–.01(4)(b)13
Checklist 107, Used Oil Filter Exclusion; Technical Corrections.	57 FR 29220	7/1/92	
Checklist 108, Toxicity Characteristic Revisions; Technical Corrections.	57 FR 30657	7/10/92	335–14–2–.01(4)(b)6.(ii),(b)9
Checklist 109, Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris.	57 FR 37194	8/18/92	335–14–1–.02(1) 335–14–2–.01(3)(c)2.(ii)(III),(3)(e),(e)1,(e)2 335–14–3–.03(5)(a)1.(iii),(a)1(iii) (II),(a)1.(iv),(iv)(I),(II),(5)(a)2 335–14–5–.07(1)(b)1–(b)4 335–14–5–.07(2)(I) 335–14–5–.07(3)(a)2 335–14–5–.08(1),(b)1–(b)4 335–14–5–.08(3)(a) 335–14–5–.30(1), (1)(a),(1)(b),(1)(c),(1)c1–3,(1)(d)&(e) 335–14–5–.30(2)(a)2–4 335–140(2)(b),(2)(b)1,2,2.(i),(ii),(2)(b)3,(i),(i)(I)(II), (2)(b)4, (i–iii) 335–14.30(2)(c),(2)(c)1.(i–iv) 335–14–5–.30(2)(c)2,3,(i)(I–IV), (2)(c)3.(ii),(iii), (2)(c)4,(2)(d),(2)(d)1–3,(2)(e) 335–14–5–.30(3)(a)(b)

Federal requirement	FR reference	FR promul- gation date	State authority
			335-14-6-.07(1)(b)1-4 335-14-6-.07(2)(c) 335-14-6-.07(3)(d)4 335-14-6-.08(1)(b),(1)(b)1-3,(3)(a) 335-14-6-.11(2)(h) 335-14-6-.30(1),(1)(a)-(e) 335-14-6-.30(2)(a),(2)(a)1,2,(2)(a)2(i), 2(ii),(2)(a)3&4 (2)(b),(2)(b)1,2,(2)(b)2.(i,ii) 335.30(2)(b)3,(2)(b)3.(i), (I),(II)(ii)(iii),(2) (b)4, (i)(ii)(iii),(2)(c),(2) (c)1.(iiv),(2)(c)2,(2)(c)3,(i) 335.14-6-.30(2)(c)3.(i)(I-IV),(2)(c)3. (ii)(iii),(2)(c)4, (2)(d)(2)(d)1-3,(2)(e), (3)(a),(3)(b) 335-14-9-.01(2)(7)(9) 335-14-9-.02(5) 335-14-9-.03(7) 335-14.04(1)(2)(3)(4)(6)(7) 335-14-9-.05(1) 335-14-9-Appendix II 335-14-8-.02(4)(n) 335-14-8-.02(b)2 335-14-8-.04(3)(a)11 335-14-8-.07(3)(b)6 335-14-2-.01(4)(a)10 335-14-2-.04(3) 335-14-2-Appendix VII 335-14-1-.02(1) 335-14-2-.01(2)(e)2.(iv) 335-14-5-.01(1)(g)2 335-14-6-.01(1)(c)6 335-14-7-.08,(9)(c)(13) 335-14-7-Appendix IX 335-14-5-.08(2)(h) 335-14-5-.08(4)(f)10,11 335-14-5-.08(8)(a),(8)(a)2-7(i)(ii)(iii) 335-14-5-.08(8)(b),(8)(b)2-7(i)(ii)(iii) 335-14.08(8)(f)7,8(g), (8)(g)1(ii),2.(i)(ii) 335-14-5-.08(8)(h),(8)(h)1-5 335-14-5-.08(8)(i).(8)(i)1-4,(8) (i)4(i)(ii),(8)(j),(8)(j)1 4,(8)(k) 335-14.08(12)(b)(f)(g)(h)1,2 335-14-5-.08(12)(i)2.(d) 335-14-5-.08-(12)(j)2.(d) 335-14-5-08(12)(k),(L), (m)1,2,(h)2,(n)n2 335-14-6-.08(4)(e)10,II 335-14-6-.08(8)(a),(a)2-7(i-iii),(8)(b),(b)2-7(i-iii),(8)(f)6, (8)(g),(8)(g)1(i-ii),(8)(h),(8)(h)1-5,(8)(i),(8)(i)1-4, (8)(i)4.(i)(ii),(8)(j),(8)(j)1-4,(8)(k) 335-14-7-.08(4), Appendix IV 335-14-5-.02(4)(c)4 335-14-5-14(15)(a)(b)(d)1.(ii)(e)1.(ii-iii)(e)2.(i-ii) 335-14-5-.14(17)(b)(c) 335-14-6-.02(4)(c)4 335-14-6-.14(15)(a)(b)(f)(f)1(f)1.(i-iii)(f)(i-ii) 335-14-6-.14-(15)(g)(15)(g)1&2 335-14-6-.14(17)(b)(c) 335-14-2-Appendix II 335-14-2-.04(2) 335-14-5-.23(1)(a)(1)(c)(1)(c)1,(1)(c)1.(i-iv) 335-14-5-.23(2)(a)(2)(b)(2)(b)1-3 335-14-5-.23(3),(3)(a),(3)(b), (4)(a)4.(i,ii)(4)(b),(4)(b)3, (4)(i) 335-14-6-.23(1)(a)(1)(c)(1)(c)1.(i-iv) 335-14-6-.23(2)(a)(b)(2)(b)1-3 335-14-6-.23(3)(3)(a)(3)(b)(4)(a) 4.(i,ii),(4)(b),(4)(b)3.(4)(i) 335-14-5-.01(1)(g)6 335-14-6-.01(1)(c)10 335-14-9-.01(1)(2)(7)(9) 335-14-9-.03(8)
Checklist 110, Coke By-Products Listings .....	57 FR 37284	8/18/92	
Checklist 111, Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III.	57 FR 38558	8/25/92	
Checklist 113 Consolidated Liability Requirements .....	57 FR 42832	9/16/92	
.....	53 FR 33938	9/1/88	
.....	56 FR 30200	7/1/91	
Checklist 114, Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV.	57 FR 44999	9/30/92	
Checklist 115, Chlorinated Toluenes Production Waste Listing.	57 FR 47376	10/15/92	
Checklist 118 Liquids in Landfills II .....	57 FR 54452	11/18/92	
Checklist 119, Toxicity Characteristic Revision; TCLP Correction.	57 FR 55114	11/24/92	
Checklist 120, Wood Preserving; Revisions to Listings and Technical Requirements.	57 FR 61492	12/24/92	
Checklist 124, Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated.	58 FR 29860	5/24/93	

Federal requirement	FR reference	FR promulgation date	State authority
			335-14-9-.04(1)(2)(3)(4) 335-14-8-.04(3)(a)2

Alabama's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Alabama is granted final authorization to operate its hazardous waste program as revised.

Alabama now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Alabama also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

#### **Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

#### **Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Alabama's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### **List of Subjects in 40 CFR Part 271**

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: August 4, 1995.

**John H. Hankinson, Jr.,**

*Regional Administrator.*

[FR Doc. 95-20009 Filed 8-11-95; 8:45 am]

BILLING CODE 6560-50-P

## **DEPARTMENT OF TRANSPORTATION**

### **Research and Special Programs Administration**

#### **49 CFR Part 192**

[Docket PS-135; Amdt. 192-3]

RIN 2137-AC32

#### **Customer-Owned Service Lines**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action requires operators of gas service lines who do not maintain buried customer piping up to building walls or certain other locations to notify their customers of the need to maintain that piping. Congress directed DOT to take this action in view of service line accidents. By advising customers of the need to maintain their buried gas piping, the notices may reduce the risk of further accidents.

**EFFECTIVE DATE:** September 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** L. M. Furrow, (202) 366-2392, regarding the content of this document, or the Dockets Unit (202) 366-4453 for copies of this final rule or other material in the docket.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

##### *A. Customer Piping*

RSPA's gas pipeline safety standards (49 CFR Part 192) apply to the distribution of gas up to the end of a pipeline operator's service line. A service line, as defined in § 192.3, is a distribution line that begins at a common source of supply, usually a main, transmission line, or gathering line. The end of a service line is a customer meter or a connection to a customer's piping, whichever is farther downstream. If there is no meter, the connection to a customer's piping marks the end of a service line. A customer is any person who contracts with an operator to receive gas for consumption.

Customer's piping (or customer piping) refers to piping not owned by an operator through which a customer receives gas.

When operators install customer meters, they usually install them outdoors next to the building that houses the customer's principal gas utilization equipment. If that equipment is not inside a building, the meter may be installed next to the equipment. Either of these installations may leave only a short segment of exterior customer piping between the end of the operator's service line and the building or equipment. Sometimes, however, operators install customer meters farther away from buildings or equipment, perhaps at a private property line or fence. The result is a much longer length of exterior customer piping.

Regardless of length, customer piping downstream from an operator's service line is not subject to the maintenance standards of Part 192. However, according to the National Transportation Safety Board, twenty-two states now require operators to monitor portions of customer piping. Also, many operators voluntarily maintain customer piping up to building walls. Still, for much customer piping, maintenance is the responsibility of customers or piping owners, not operators of service lines. In this regard, RSPA is preparing a report on the safety of customer piping located downstream from service lines to see if there is a need for further legislative or regulatory action. The report is required by section 115(b) of the Pipeline Safety Act of 1992 (Pub. L. 102-508; 106 Stat. 3296).

##### *B. Statutory Mandate*

During a 7-month period beginning September 16, 1988, a series of five service line accidents killed four people and injured 16 others in Kansas and Missouri. The accidents happened on service lines supplying gas to homes and were due to corrosion and other causes. As a result, Congress became concerned about the safety of gas piping leading up to buildings. Congress felt that customers of distribution pipeline operators may not understand the need for basic maintenance of customer piping.

Therefore, as provided by 49 U.S.C. § 60113(a) (formerly section 18(b) of the